IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15893 of 2004

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Between:

The Telangana Non-Gazetted officers' union, Tandur Unit

rep.by K.Rajender Reddy, President TNGO's Union,

Ranga Reddy District.

..... PETITIONER

AND

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1 The Chairman, Municipal Council, Tandur Municipality at

Tandur, Ranga Reddy District.
2 The Commissioner, Municipal Council, at Tandur,

Ranga Reddy District.
3 The Collector, Ranga Reddyy District, at Lakdikapool,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 1st and 2nd Respondents in trying to resume the land on the pretext of cancellation of the land allotted to the petitioners' union in sy.No.135/1 Gairan Sarkari admeasuring 300 sq. yards situated at Tandur, Ranga Reddy District in proceedings No.D2/ 7612/92 dated 6-1-1993 of the Joint collector, R.R. District at illegal, arbitrary, unreasonable, violative of principles of natural justice and consequently restrain the Respondents 1 and 2 from resuming the land.

Counsel for the Petitioner: MR.A.RAVINDER REDDY

Counsel for Respondents 1 & 2: MR.R.TIMMA REDDY

Counsel for Respondent NO.3: G.P. for Municipal

Administration.

The Court at the admission stage made the following :

ORDER:

The petitioner-union claims to have been allotted 5 cents of land for construction of NGOs Home at Tandur Municipality. The Municipal Council vide resolution No.51/92 dated 17-11-1992 approved the proposal of alienation of land in favour of the petitioner-union Tandur Unit for construction of NGO Bhawan. Thereafter the Joint Collector vide proceedings dated 6-1-1993 has allotted an extent of 300 Sq. Yards of land in S.No.135/1 in Tandur village in favour of the petitioner-union for construction of NGOs bhawan. Since the date of allotment the petitioner-union is in possession of the property. While so, the Mandal Revenue Officer addressed to second respondent vide letter No.B/32/97 dated 28-8-2004 informing that the land allotted to the petitioner-union is a Government land and the same is approved by the Municipal Council in Resolution No.51/92 and requested not to interfere with the peaceful possession of the petitioner union in constructing NGOs bhawan on the allotted land. Complaining that in spite of the same the respondents are bent upon to resume the land allotted to the petitioner-union and the respondents have no right in any manner whatsoever to interfere with the peaceful possession of the petitioner-union, the present writ petition is filed.

Since the petitioner-union is in possession of the property allotted by the Government and the same being confirmed by the letter written by the Mandal Revenue Officer, if the municipality interferes with the possession of the petitioner's property, the proper course is to move to appropriate civil court for appropriate orders. The present writ petition alleging that the respondents 1 and 2 are trying to resume the land on the pretext of cancellation of the land allotted to the petitioner-union and restraining them from interfering with the peaceful possession of the petitioner's property, cannot be entertained

Accordingly the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

3rd September, 2004.

Js.

To

1 The Chairman, Municipal Council, Tandur Municipality at

Tandur, Ranga Reddy District.
2 The Commissioner, Municipal Council, at Tandur,

Ranga Reddy District.
3 The Collector, Ranga Reddyy District, at Lakdikapool,

Hyderabad.

4 2 CCs to G.P. for Municipal Administration, High Court

Buildings, Hyderabad.

5 2 CD copies.